

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

**WILLIAM L. TALBOTT, JR. and
PAMELA TALBOTT as husband and
wife,**

Plaintiffs, **CIVIL ACTION NO. 3:15-CV-105 (Groh)**

v.

**BEN W. HOOPER, III,
ADMINISTRATOR OF THE ESTATE
OF DAVID L. BOLING, FRONTIER
TRANSPORT CORPORATION,
ONLINE TRANSPORT SYSTEM, INC.
and ONLINE TRANSPORT, INC.,**

Defendants.

**ADDITIONAL EVIDENCE IN SUPPORT OF DEFENDANTS' MOTIONS TO COMPEL
RULE 35 EXAMINATIONS AND MOTION FOR EXTENSION OF TIME**

COME NOW Defendants, Online Transport, Inc., Online Transport System, Inc., Frontier Transport Corporation, and Ben W. Hooper, III, Administrator of the Estate of David L. Boling (collectively, "Defendants"), by and through the undersigned counsel, and pursuant to the Court's April 19, 2016 Order, submit the following additional evidence in support of Defendants' Motions to Compel IMEs [ECF Nos. 37 & 38] and Motion to Extend Time [ECF No. 40]:

1. April 19, 2016 Correspondence from David Buchholz, M.D. regarding the scope of the proposed neurological examination, attached hereto as *Exhibit A-1*;

2. April 15, 2016 Email Correspondence from David Buchholz, M.D. regarding his dates of availability to conduct the proposed neurological examination, attached hereto as ***Exhibit A-2***;

3. April 19, 2016 Correspondence from H. Gray Broughton, M.Ed., CRC, CCM, CRP, regarding the scope of the proposed Vocational Diagnostic Interview, attached hereto as ***Exhibit B-1***;

4. April 18, 2016 Email Correspondence from Office of Mr. Broughton regarding his dates of availability to conduct the proposed Vocational Diagnostic Interview, attached hereto as ***Exhibit B-2***;

5. Defendants' Expert Witness Disclosures (without exhibits), attached hereto as ***Exhibit C***.

6. April 20, 2016 Email Correspondence from Dr. David J. Schretlen, Ph.D, ABPP-CN, FAPA, regarding the scope of the proposed neuropsychological examination, attached hereto as ***Exhibit D-1***;

7. April 13, 2016 Email Correspondence from Office of Dr. David Schretlen regarding his dates of availability to conduct the proposed neuropsychological examination, attached hereto as ***Exhibit D-2***;

8. Curriculum Vitae of Dr. David Schretlen, attached hereto as ***Exhibit D-3***;

9. April 20, 2016 Email Correspondence from Office of Dr. Thomas V. Ryan, Ph.D. regarding his dates of availability to conduct the proposed neuropsychological examination, attached hereto as ***Exhibit E-1***;

10. Curriculum Vitae of Dr. Ryan, attached hereto as ***Exhibit E-2***;

11. April 1, 2016 Correspondence from Plaintiffs' counsel Mr. Spencer reflecting date of Defendants' receipt of PET scan image performed by Dr. Mehr on March 15, 2016, attached hereto as *Exhibit F*;

12. April 18, 2016 Email Correspondence regarding proposed expert Alan Waxman's inability to access PET scan image, attached hereto as *Exhibit G-1*;

13. Curriculum Vitae of Dr. Waxman, attached hereto as *Exhibit G-2*;

14. April 15, 2016 Email Correspondence from Carolyn Meltzer, MD FACR, regarding inability to offer expert opinion with respect to the PET scan image as a result of the short timeline, attached hereto as *Exhibit H*;

Respectfully submitted this 20th day of April, 2016.

By /s/Robert L. Massie

Robert L. Massie, Esquire (WVSN 5743)
Megan B. Davis, Esquire (WVSN 12502)
Nelson Mullins Riley & Scarborough LLP
P.O. Box 1856
Huntington, WV 25719-1856
Phone: 304.526.3500
Facsimile: 304.526.3599
Email: bob.massie@nelsonmullins.com
Email: megan.davis@nelsonmullins.com

**COUNSEL FOR DEFENDANTS BEN
W. HOOPER, III, ADMINISTRATOR OF
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Defendants.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 20th day of April, 2016, the foregoing "*Additional Evidence in Support of Defendants' Motions to Compel Rule 35 Examinations and Motion for Extension of Time*" was filed electronically with the Clerk of the Court through the CM/ECF System which will send electronic notification of the filing to the following participants:

Douglas A. Spencer, Esq. (W.Va. State Bar # 9369)
C. Michael Bee (W.Va. State Bar # 290)
HILL, PETERSON, CARPER, BEE & DEITZLER, P.L.L.C.
NorthGate Business Park
500 Tracy Way
Charleston, West Virginia 25311

James M. Kessel, Esq. (W.Va. State Bar # 11222)
ALLEN ALLEN ALLEN & ALLEN
1809 Staples Mill Road
Richmond, Virginia 23230
Counsel for Plaintiffs

/s/ Robert L. Massie